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ANDREW BAHMANYAR

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

DANIEL KEATING-TRAYNOR on  
behalf of himself and all others similarly  
situated,

Plaintiff,

v.

AC SQUARE; COMCAST INC.; AFSHIN  
GHANEH; ANDREW BAHMANYAR;  
and DOES 1 THROUGH 60, inclusive,

Defendant.

Case No. CV-08-2907-MHP

**[PROPOSED] ORDER GRANTING  
DEFENDANT ANDREW BAHMANYAR'S  
MOTION TO DISMISS**

**Date: August 25, 2008**  
**Time: 2:00 p.m.**  
**Dept: Courtroom 15**  
**Judge: Honorable Marilyn H. Patel**

Defendant Andrew Bahmanyar's Motion to Dismiss Plaintiff's first and second causes of action from Plaintiff's Complaint, action number CV-08-2907-MHP came on regularly for hearing before this Court on August 25, 2008. Ronald A. Peters, Esq. appeared as attorney for defendant, Andrew Bahmanyar. Daniel Berko appeared as attorney for plaintiff, Daniel Keating-Traynor. After considering the moving papers, the papers submitted in opposition to the motion, the papers submitted in reply to the opposition, arguments of counsel and all other matters presented to the Court, IT IS HEREBY ORDERED THAT, the motion is GRANTED. Plaintiff's first cause of action for "Violation of the Fair Labor Standard Act" is dismissed as it fails to state facts sufficient to constitute a cause of action against Andrew Bahmanyar; Plaintiff's second cause of action for "Conspiracy to Violate the Fair Labor Standard Act" is dismissed as it fails to state facts sufficient to

1 constitute a cause of action against defendant Andrew Bahmanyar.

2 Dated: \_\_\_\_\_

3 Honorable Marilyn H. Patel

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[Proposed] Order Granting Motion to Dismiss  
Case No. CV-08-2907-MHP